



## Sex-based Separation in Schools

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### Position:

The State of Iowa Youth Advisory Council believes that the segregation of school resources, activities, athletics, and bathrooms on the basis of *biological sex* is a violation of student's rights.

Discriminating on the basis of one's gender identity given that it is divergent from their school or employer's record of their sex, was defined in the *Bostock v. Clayton County* Supreme Court ruling to be prohibited under Title VII of the Civil Rights Act of 1964 [1]. According to the U.S. Department of Education, discrimination on the basis of gender identity or transgender status is prohibited under Title IX of the Education Amendments Act of 1972 as discrimination on the basis of sex [2].

The separation of school athletics, activities, and bathrooms on the basis of *biological sex* rather than gender identity is discriminatory because it disregards the legally recognized and protected gender identities of students. The practice of investigating a student's sex using medical documentation and examination to determine their access to school resources is an invasion of student privacy.

Given the protection of gender identity and the prohibition of sex-based discrimination including discrimination based on gender identity under federal law, the State of Iowa Youth Advisory Council believes that the segregation of school activities and amenities on the basis of *biological sex* is unconscionable.

Regards,

State of Iowa Youth Advisory Council

### Sources:

[1] Supreme Court of the United States. (2020, June). *BOSTOCK v. CLAYTON COUNTY, GEORGIA*. Retrieved from: [https://www.supremecourt.gov/opinions/19pdf/17-1618\\_hfci.pdf](https://www.supremecourt.gov/opinions/19pdf/17-1618_hfci.pdf)

[2] United States Department of Education. (2020, September). Resources for LGBTQ Students. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/lgbt.html>